

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MADELYN RODRIGUEZ,**

**Plaintiff,**

**Case No. 08-11529**

**v.**

**HONORABLE DENISE PAGE HOOD**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation, dated December 4, 2008. To date, none of the parties have filed objections to the Magistrate Judge's Report and Recommendation.

The Magistrate Judge recommended that the Court deny Defendant's Motion for Summary Judgment, and grant Plaintiff's Motion for Summary Judgment, remanding the case to the administrative level for further proceedings consistent with the Magistrate Judge's conclusions in sections B. and C. of his Report and Recommendation. After careful review and consideration, the Court finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge R. Steven Whalen [**Docket No. 13, filed December 4, 2008**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Docket No.**

**12, filed August 22, 2008]** is DENIED.

IT IS FURTHER ORDERED that this Plaintiff's Motion for Summary Judgment [ **Docket No. 10, filed July 22, 2008**] is GRANTED.

IT IS FURTHER ORDERED that this case is remanded to the administrative level for further proceedings consistent with the Magistrate Judge's December 4, 2008 Report and Recommendation.

/s/ Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: January 29, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 29, 2009, by electronic and/or ordinary mail.

S/William F. Lewis  
Case Manager